

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Jessica M. Brown,

Plaintiff,

v.

Case #C-23-370497-1, et al.,

Defendants.

Case No. 2:23-cv-02087-APG-DJA

**Order**

Florence McClure Women’s Correctional Center inmate, Plaintiff Jessica M. Brown, has moved for appointment of counsel (ECF No. 14) and to extend time (ECF No. 15). Courts have authority to request that an attorney represent any person unable to afford counsel. 28 U.S.C. § 1915(e)(1). Whether to appoint counsel is within the discretion of the district court and requires a showing of exceptional circumstances. *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). To determine whether exceptional circumstances exist, courts consider the likelihood that the plaintiff will succeed on the merits as well as the plaintiff’s ability to articulate her claims “in light of the complexity of the legal issues involved.” *Id.* Neither factor is dispositive, and both must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

Here, Plaintiff has not shown exceptional circumstances for the appointment of counsel. It is not clear that Plaintiff’s complaint will succeed on the merits because it has not passed screening and she has not yet submitted an amended complaint. Additionally, while Plaintiff has had difficulty following the Court’s instructions, she was able to file a complete application to proceed without paying the filing fee. The Court thus denies her motion for appointment of counsel.

Plaintiff also asks that the Court extend time. But it is unclear what deadline she seeks to extend. Currently, the deadline for Plaintiff to file an amended complaint is May 17, 2024,

1 meaning Plaintiff has about three weeks to comply. The Court thus denies her motion to extend  
2 time.

3  
4 **IT IS THEREFORE ORDERED** that Plaintiff's motion for appointment of counsel  
5 (ECF No. 14) and motion to extend time (ECF No. 15) are **denied**.

6  
7 DATED: April 25, 2024

A handwritten signature in blue ink, appearing to read 'D. Albregts', is written over a horizontal line.

DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE